

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDREAS and TESS NOTTEBOHM,

Plaintiffs,

No. C 14-04047 WHA

v.

AMERICAN HOME MORTGAGE
INVESTMENT CORP., MERSCORP
HOLDINGS, INC., DEUTSCHE BANK
AMERICAS HOLDING CORP., WELLS
FARGO BANK, N.A., and OCWEN
FINANCIAL CORPORATION,

Defendants.


**ORDER DENYING
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Prior to the commencement of this federal action, *pro se* plaintiffs had already been in state-court litigation with multiple defendants herein and have lost or, at a minimum, have had a full and fair opportunity to raise any and all issues now tendered in federal court. Through the limited appearance of Attorney Russell Marne, plaintiffs now seek a temporary restraining order and a preliminary injunction to prevent defendants from carrying out a state court eviction at the San Rafael property in question. All of this has been previously litigated in state court (or could have been). No new federal issue is now raised that could not have been addressed in state court (and the Truth in Lending Act claims were in fact raised in state court). As such, this federal action is nothing but a second bite at the apple.

1 For the foregoing reasons, plaintiffs' motion for a temporary restraining order and a
2 preliminary injunction is **DENIED**. Please note that a case management conference has been
3 scheduled for **11:00 AM ON DECEMBER 4, 2014**, as stated in the Clerk's notice filed earlier
4 today (Dkt. No. 17).

5
6 **IT IS SO ORDERED.**

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8 Dated: September 29, 2014.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE